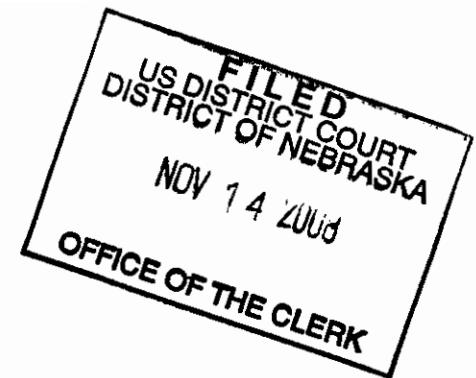


**UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA**



UNITED STATES OF AMERICA)	8:08MJ221 (NE)
)	08-3034 (IA)
Plaintiff,)	
)	
v.)	
)	
ROBERTO GUTIERREZ,)	
)	Magistrate Judge Gossett
Defendant.)	

RULE 5 ORDER

An Indictment and Warrant (charging document) having been filed in the district court for the Northern District of Iowa Central Division charging the above-named defendant with 21 USC Sec. 846, 841(a)(1), 841(b)(1)(A), and the defendant having been arrested in the District of Nebraska, proceedings to commit defendant to another district were held in accordance with Fed.R.Cr.P. Rule 5. The defendant had an initial appearance here in accordance with Fed.R.Cr.P.5 and was informed of the provisions of Fed.R.Cr.P.20.

Additionally, defendant.

- Was given an identity hearing and found to be the person named in the aforementioned charging document
- Waived an identity hearing and admitted that he/she was the person named in the aforementioned charging document.
- Waived his right to a preliminary examination
- Was afforded a preliminary examination in accordance with Fed.R.Cr.P.5.1 and, from the evidence it appears that there is probable cause to believe that an offense has been committed and that the defendant committed it.
- The government (did) [did not] move for detention
- Knowingly and voluntarily waived a detention hearing in this district and reserved his/her right to a detention hearing in the charging district.

- Was given a detention hearing in this district.

Accordingly, it is ordered that the defendant is held to answer in the prosecuting district.

- Defendant has been unable to obtain release under the Bail Reform Act of 1984, 18 U.S.C. § 3141 et.seq. and the U.S. Marshal is commanded to take custody of the above named defendant and to transport the defendant with a certified copy of this order forthwith to the prosecuting district specified above and there deliver the defendant to the U.S. Marshal for that district or to some other officer authorized to receive the defendant, all proceedings required by Fed.R.Cr.P.40 having been completed.
- Defendant has been released in accordance with the provisions of the Bail Reform Act of 1984, 18 U.S.C. § 3141 et.seq. The defendant is to appear before the district court of the prosecuting district at such times and places as may be ordered. All funds, if any, deposited on behalf of this defendant with the Clerk of Court pursuant to the Bail Reform Act, shall be transferred to the prosecuting district.

IT IS SO ORDERED.

DATED in Omaha, Nebraska this 14th day of November, 2008.


F. A. Gossett
U.S. Magistrate Judge